IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WP(C).No. 34245 of 2007(B)

PETITIONERS:
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1. IMAM RAZI MUSLIM EDUCATIONAL CHARITABLE MALA,THRISSUR,REPRESENTED BY ITS CHAIRMAN MR.V.V.KHALID HAJI.

2. V.V.KHALID HAJI.
CHAIRMAN,
IMAM RAZI MUSLIM EDUCATIONAL CHARITABLE TRUST,MALA, THRISSUR.

BY ADV. SRI.DEVAN RAMACHANDRAN
SMT.T.G.SEETHAL

RESPONDENTS:
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1. THE SUPERINTENDENT OF POLICE
THRISSUR.

2. THE CIRCLE INSPECTOR OF POLICE
MALA.

3. A.P.ABDUL HAKKEM AI-ASHHARI,
S/O.KANTHAPURAM A.P.ABOOBACKER MUSLIYAR
KANTHAPURAM P.O., UNNIKULAM, KOZHIKODE.

4. PROF.K.M.A.RAHEEM,S/O.MUHAMMED YOUSEF
PADINHATHIMURI VILLAGE,
PERINTHALMANNA, MALAPPURAM.

5. V.V. (T.P) ABOOBACKER HAJI
S/O. THERUVATH VEETIL PANOLI POCKER
P.O.VENMANADU, PAARATTY, THRISSUR.

6. N.A.HASSAN, S/O. NANIPURATHIYIL ALIYAR
VADAMA, MALA, THRISSUR.

7. SHARIEF.K.S.,S/O.ABDU KUNJU

KATTUPURATH HOUSE, KADATHOOR
P.O.K.S.PURAM, KARUNAGAPPALLY,KOLLAM DISTRICT.

8. SALIM LAILA STORES, OPP. KSRTC BUS STAND
THIRUVALLA P.O., PATHANAMTHITTA.

9. K.P.YOHANNAN, BISHOP MANCHADI
BELIEVERS CHURCH, THIRUVALLA
PATHANAMTHITTA.

10. NARAYANAN PUNNOSE
BELIEVERS HIGHER SECONDARY SCHOOL
VARIKKADU P.O.,
THIRUVALLA PATHANAMTHITTA.

BY SR.GOVT. PLEADER SRI.R.LAKSHMINARAYAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR &

K.P.BALACHANDRAN, JJ.

W.P.(C) NO. 34245 OF 2007-B

Dated 20th November, 2007.

JUDGMENT

Balakrishnan Nair, J.

The 1st petitioner is a Trust. The 2nd petitioner claims that he is its Chairman. The respondents 6 to 10 are total strangers to the Trust. The respondents 3 to 5 are the present/ex-Trustees. The 2nd petitioner is prevented from discharging the functions of the Chairman of the Trust, by using threat of violence by respondents 6 to 10. The police were moved. But, they have not extended any protection to the petitioner. Hence this writ petition, seeking the following reliefs:

> "(a) issue writ of mandamus or such other appropriate writ, direction or order and direct the 1st and 2nd respondents to afford adequate and effective police protection to the life of the 2nd petitioner in order to enable him to discharge his duties as the Chairman of the 1st petitioner Trust and to protect and administer the properties of the Trust from the illegal actions and activities of respondents 6 to 10 and their men;
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> (b) issue writ of mandamus or such other appropriate writ, direction or order and direct the 1st and 2nd respondents to afford adequate and effective police protection to the properties of the

1st petitioner Trust from the respondents 6 to 10 herein and their men."

2. Having regard to the averments in the writ petition, it would appear that there is some dispute between the 2nd petitioner and the party respondents regarding the management of the Trust. It is a civil dispute, which has to be settled by the competent civil court. The petitioners can move the civil court and get an injunction against the unlawful obstructions, if any, offered by the party respondents. The said court can also address the police, to render police assistance to enforce its orders. We feel that there should be a prima facie adjudication regarding the right of the 2nd petitioner to administer the Trust and its properties before he can get protection for the same. The police do not have any power or authority to enter upon such an enquiry. Only the competent civil court can do that. In view of the above position, this writ petition for police protection is not maintainable. Accordingly, it is dismissed without prejudice to the contentions of the petitioners and their right to move the competent civil

court for appropriate reliefs.

K.BALAKRISHNAN NAIR, JUDGE.

K.P.BALACHANDRAN, JUDGE.

Nm/